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June 29, 2022

Via ECF:

The Honorable Edgardo Ramos, U.S.D.J.
United States District Court
Southern District of New York
40 Foley Square
New York, NY 10007

Re: *Gonzalez v. Hanover Ventures Marketplace LLC et al*
Case No. 21-cv-01347 (ER)

Dear Judge Ramos:

We are counsel to Plaintiff in the above-referenced matter. Plaintiff writes to request that the Court grant an unopposed discovery motion from Plaintiff.

On June 14, 2022, Plaintiff wrote to the Court regarding outstanding discovery, which had previously been Ordered produced during parties' April 1, 2022 conference, and for which Plaintiff has been seeking production since September of 2021.

Pursuant to your Court rules, after Plaintiff filed his June 14, 2022 letter, Defendants had three (3) business days to file a letter opposing Plaintiff's request. Defendants have not responded. Upon this failure, the Court Ordered Defendant to file a responsive letter to the Court by June 28, 2022. Defendants opted to ignore the Court's Order.

Defendants' have repeatedly ignored their discovery obligations and Court Orders throughout this lawsuit:

- (i) On August 24, 2021, Plaintiff was forced to write to the Court as Defendants' counsel refused to meet and confer regarding outstanding discovery, including depositions. [ECF 31].
- (ii) On September 14, 2021, pursuant to Court Order, parties submitted a joint letter with their agreed upon deposition schedule. [ECF 35].
- (iii) On October 13, 2021, despite parties' agreement and Court Order, less than 24 hours before Plaintiff's deposition, Defendants cancelled all depositions in this matter. [ECF 41].
- (iv) On February 22, 2022, despite Court Order to produce a list of collective employees, Plaintiff was forced to write to the Court as Defendants' counsel refused to meet and confer regarding this and other outstanding discovery. [ECF 54]
- (v) On March 18, 2022, Plaintiff was, once again, in the face of unresponsive Defendants, forced to seek Court intervention. [ECF 59]
- (vi) On April 1, 2022, the Court Ordered that "Defendant shall produce discovery materials in two weeks," with which Defendants failed to comply.

- (vii) On June 23, 2022, the Court Ordered Defendants file a response to Plaintiff's letter by June 28, 2022, with which Defendants again failed to comply.
- (viii) Further, the above is not an exhaustive list. As may be seen through this matter's docket, Defendants have continuously failed to produce relevant discovery, ignored Plaintiff's counsel's attempts to meet and confer, violated your Honor's Individual Rules by failing to respond to Plaintiff's discovery letter-motions, and ignored this Court's Orders.

As the Court previously Ordered production of the class documents that is the subject of Plaintiff's June 14, 2022 letter, Plaintiff is requesting an Order from the Court, Ordering these documents be produced by this Friday, July 1, 2022.

If the documents are not produced by that July 1, 2022 date, Plaintiff would request the Court permit a negative inference for use by a prospective jury and the Court that "the class data requested by Plaintiff ((i) tip records, (ii) punch/time records, (iii) wage notices, (iv) wage statements, and (v) wage summaries) contained information that was unfavorable to the Defendants."

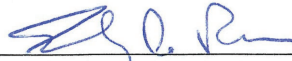
We thank the Court for its consideration.

Respectfully submitted,

/s/ C.K. Lee

C.K. Lee, Esq.

A discovery conference will be held on July 14, 2022 at 11:00 am. The parties are directed to dial 877-411-9748 and enter access code 3029857# when prompted. The Clerk of Court is respectfully directed to terminate the motions, Docs. 62 and 102. SO ORDERED.



Edgardo Ramos, U.S.D.J

Dated: July 1, 2022

New York, New York